

**Lillian A. Tenorio**  
**Attorney at Law**  
P.O. Box 503758  
Saipan, MP 96950

Tel.: 234-7859  
Fax: 234-5749

Attorney for Plaintiffs/Judgment Creditors Angelito Trinidad, Esperanza David, Ronnie Palermino, and Tony Alovera

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF THE NORTHERN MARIANA ISLANDS**

ANGELITO TRINIDAD, et al,

Plaintiffs,

vs.

JOHN S. PANGELINAN, et al.,

Defendants.

CIVIL ACTION NO. 97-0073

PLAINTIFFS' RESPONSE TO  
MOTION TO AMEND AMENDED  
ORDER SUBSTITUTING LOT E.A.  
684 & PRE-WAR LOT 1511 FOR  
LOT E.A. 222, PAPAGO

Date: July 19, 2006

Time: 10 am

Judge: David A. Wiseman

In their motion, filed some two days prior to this court's hearing on Plaintiffs' Motion for Permanent Injunction, Defendants the Pangelinans proposed to substitute Lot E.A. 684 in Kannat Tabla and pre-war Lot No. 1511 in Chalan Galaide for Lot E.A. 222, previously ordered subject to execution pursuant to the provisions of Federal Rule of Civil Procedure 69(a) and 7 CMC § 4203. *See Order*

1 Granting Writ of Execution (January 27, 2006) (Docket No. 485) (the “Order  
2 Granting Writ of Execution”); Amended Order Granting Writ of Execution  
3 (March 8, 2006) (Docket No. 502) (the “Amended Order Granting Writ of  
4 Execution”)<sup>1</sup>.  
5

6 In their prior filings with this court, Defendants set forth the difficulties in  
7 collecting the remainder of the outstanding judgment and their efforts to locate  
8 unencumbered and viable property that they could attach. In its Orders Granting  
9 Writ of Execution, moreover, this court noted Defendants’ repeated failure to  
10 provide Plaintiffs with the opportunity to discover facts confirming the value of  
11 Defendants’ property holdings. See Orders at 6: 14-24.  
12

13 Absent a title report prepared by an independent title company that plainly  
14 evidences the Pangelinans’ ability to convey good and clear title to the two lots in  
15 question, therefore, Plaintiffs are without information and knowledge sufficient to  
16 determine whether the Pangelinans even possess the authority and the ability to  
17 convey the proposed property.  
18

19 Absent an appraisal of the lots proposed for substitution, moreover,  
20 Plaintiffs are without facts to determine the value of the proposed lots and confirm  
21

---

22  
23  
24  
25 <sup>1</sup>  
26 Mr. Pangelinan, in a conference with undersigned counsel on July 18<sup>th</sup>, claims that  
27 he has not seen the Writ of Execution. This is not well-taken as the Court’s order  
28 clearly is one which is the Writ of Execution granting the judicial auction presently  
scheduled for July 28<sup>th</sup>.

1 whether their value will be sufficient to satisfy the deficiency judgment and the  
2 unpaid costs and attorney's fees incurred in its collection.  
3

4 Accordingly, Plaintiffs cannot agree to Defendants' proposal at this juncture.  
5 Were the Pangelinans to satisfy the conditions set forth below, however, Plaintiffs  
6 would have no objection to an Order Deferring Sale and Execution subject to the  
7 following:  
8

9 1. Defendant John Pangelinan will submit to an in-court examination  
10 under oath as to the proposed properties. Alternately, within seven days from the  
11 date of any Order deferring sale and execution, Defendants will submit to a  
12 deposition under oath that would provide Plaintiffs with the opportunity to  
13 discover any additional assets available to satisfy the deficiency judgment of  
14 \$85,899.58; interest on the judgment at 6.197% accruing from July 1, 2001 until  
15 paid in full; and costs and attorney's fees incurred in collecting the judgment.  
16  
17

18 2. In connection with the proposed Rule 69 deposition, Defendants will  
19 comply with a *subpoena duces tecum* and provide such documents and other  
20 material requested, so as to enable Plaintiffs to conduct meaningful discovery; and  
21  
22

23 3. Within seven days from the date of any Order deferring sale and  
24 execution, Defendants, at their sole expense, will provide Plaintiffs with a  
25 preliminary title report from Pacific American Title and a certified appraisal for  
26 each lot proposed as substitution; and  
27  
28

